

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

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In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹
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PROMESA

Title III

No. 17 BK 3283-LTS

Re: ECF No. 379, 385

(Jointly Administered)

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO

Debtor.
-----X

PROMESA

Title III

No. 17 BK 3283-LTS

**This Motion relates only to the
Commonwealth and shall only be
filed in the lead Case No. 17 BK
3283-LTS.**

JOINT MOTION IN COMPLIANCE WITH ORDER AT ECF. NO. 379

To the Honorable United States District Court Judge Laura Taylor Swain:

Come now, Emmanuel Aponte-Colón (“Mr. Aponte”), and the Commonwealth of Puerto Rico (“Commonwealth”), jointly through their undersigned counsel,² to respectfully move the Court

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number listed as a bankruptcy case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284) (Last Four Digits of Federal Tax ID: 8474); (iii) the Employees Retirement System of the Government of the Commonwealth of Puerto Rico (Case No. 17 BK 3566) (Last Four Digits of Federal Tax ID: 9686); and (iv) Puerto Rico Highways & Transportation Authority (Last Four Digits of Federal Tax ID: 3808).

² The Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the Debtors’ representative pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”), has authorized the Department of Justice to file this joint motion on behalf of the Commonwealth.

for an Order granting relief from the automatic stay, and, in support of their motion, state as follows:

1. On June 17th 2017, Mr. Aponte appeared before this Honorable Court requesting relief from the automatic stay under Bankruptcy Code sections 362 and 922, made applicable to the Commonwealth's Title III case by PROMESA section 301(a) (the "Title III Stay") to continue his state civil case no. KAC2017-0090 against the Commonwealth contesting the forfeiture of his automobile as a result of a criminal intervention by law enforcement agents. [ECF NO. 379]. The Commonwealth is due to respond to this request by June 30, 2017, as ordered by this Court. [ECF NO. 385]

2. The parties inform this Honorable Court, that after evaluating the facts and procedural stage of Mr. Aponte's forfeiture case, it is in the best interest of both parties to jointly request the lift of the Title III Stay in the Commonwealth's Title III case to let Mr. Aponte proceed with the state Civil Case No. KAC2017-0090 (the "Forfeiture Action"). It is expressly understood by Mr. Aponte that Mr. Aponte may prosecute the Forfeiture Action only as set forth herein, and that in no event will the Commonwealth be required to satisfy any liability to Mr. Aponte in any other way whatsoever with respect to the Forfeiture Action.

3. Notwithstanding the above, the appearance made here by the Commonwealth should not be construed as a waiver or modification of the Title III Stay so as to permit the prosecution against the Commonwealth of any claim by anyone other than Mr. Aponte as provided for herein, and the Commonwealth reserves all rights, defenses, and protections with respect to any other motions for relief of stay or any other matters pending in the Commonwealth's Title III case. The Commonwealth further reserves its rights with respect to any claim currently pending in the Forfeiture Action or hereinafter asserted by Mr. Aponte other than the claim contesting forfeiture,

seeking return of the bond posted, and seeking return of the vehicle that is the subject matter of that proceeding.

WHEREFORE, it is respectfully requested that this Honorable Court take notice of the above, and GRANT the relief requested in the *Motion for Relief From Stay* [ECF NO. 379], provided that the stay under section 362(a) of the Bankruptcy Code is lifted solely with respect to Mr. Aponte's action to contest the forfeiture in the Forfeiture Action, in which he seeks return of the vehicle that is the subject matter of that proceeding, but in no event will the Commonwealth be required to satisfy any liability to Mr. Aponte in any other way whatsoever with respect to the Forfeiture Action.. Nothing contained herein operates as a waiver or modification of the stay for any purpose other than as expressly provided for in this paragraph.

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CERTIFICATE OF SERVICE

I hereby certify that on this date I electronically filed the foregoing Motion with the Clerk of the Court, using the CM/ECF System, which will send notification of such filing to all appearing parties and counsels using the Court's electronic system.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, on June 30, 2017.

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